

Remarks

The Applicant notes the examiner's rejection of Claims 1, 2, 4-9, 11-16 and 27 under 35 U.S.C. § 102(b) as being anticipated by Zampino et al. (hereinafter referred to as "Zampino et al. '057"). The Applicant respectfully requests reconsideration of such rejection in view of the foregoing claim amendments and the following discussion.

The claims have been amended to include the additional limitation of the components being combined without application of heat. Zampino et al. '057 teaches a reaction product of linalool with citric acid for a period of two hours in aqueous media at 100°C. The heating for two hours required to create the composition taught in Zampino et al. '057 is a material difference that the Applicant respectfully submits produces different fragrance results. The Applicant's invention results from a mixture of components without application of any heat. The inventors note that not applying heat potentiates the customized response of the fragrance composition by maintaining the mixture in a reduced state of a reversible reaction until the composition is applied to the skin and then permits the components to return to varying degrees of their original state depending on the characteristics of the individual's skin on which the composition is applied. Heating a mixture such as the Zampino composition for two hours would not permit such partial reversability, nor is any such feature taught or suggested in Zampino. Application of heat as in Zampino would result in a new composition being synthesized in an irreversible manner, which would prevent the composition from being able to exhibit the varying olfactive characteristics exhibited by the composition of the Applicant's invention. In sum, the Applicant respectfully submits that its claims as amended are not anticipated or rendered obvious by Zampino et al. '057.

Express Mail Mailing Label: EU889891912US

Zampino et al. '057, as with other fragrance art, teaches away from the present invention in that it teaches compositions that are intended to produce enhanced olfactive characteristics, not different olfactive characteristics when applied on the skin of different people. There is no motivation or suggestion in Zampino et al '057 to create a composition such as that of the present invention, which exhibits varying olfactive characteristics when applied on the skin of different people. In fact, the heating in Zampino prevents the characteristics of the invention from being created.

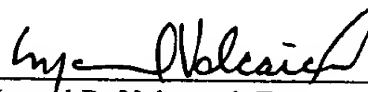
The Applicant has also addressed the examiner's objection to claims 10 and 22 under 37 C.F.R. § 1.75 as being substantial duplicates of claims 3 and 7, by appropriate amendment.

The Applicant respectfully submits that the application and claims, as amended, are in condition for allowance, subject to the foregoing paragraph. Nonetheless, should the examiner still have any comments, questions or suggestions, the examiner is respectfully requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted,

Date: April 25, 2003

GREENBERG TRAURIG, P.A.
1221 Brickell Avenue
Miami, Florida 33131
Tel: (305) 579-0812
Fax: (305) 579-0717



Manuel R. Valcarcel, Esq.
Reg. No. 41,360

Express Mail Mailing Label: EU889891912US